

**NOTICE OF AMENDMENT**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

September 8, 1993

Mr. Gilmer R. Able  
Executive Vice President  
Tenneco Gas Pipeline Co.  
P.O. Box 2511  
Houston, TX 77252-2511

CPF No. 33108M

Dear Mr. Able:

On March 23-27, 1992, a representative of the Minnesota Office of Pipeline Safety, acting as an agent for the Central Region, Office of Pipeline Safety (OPS), pursuant to Section 14(c) of the Natural Gas Pipeline Safety Act, 49 U.S.C. app. § 1671 et. seq. (NGPSA), conducted an onsite pipeline safety inspection of Viking Gas Transmission Co. facilities and records at Joliet, Illinois and Cushing, Minnesota.

As a result of the inspection, it appears that you have committed probable violations, as noted below, of pipeline safety regulations, Title 49, Code of Federal Regulations, Part 192 and Part 199. The items inspected and the probable violations are:

**1. § 192.453 General.**

**Each operator is required to establish procedures to implement the requirements of Title 49, C.F.R., Part 192, Subpart I. § 192.467(e) (a provision contained in Subpart I) requires that an insulating device may not be installed in an area where a combustible atmosphere is anticipated unless precautions are taken to prevent arcing.**

The Bertha Metering Station is contained in an above ground building and contains an insulating device. In Audubon, a below ground vault contains an insulating device. Viking's

corrosion procedures did not contain procedures for installing insulators located in a combustible environment and for precautions to prevent arcing.

2. § 192.615(a)(3)(ii)&(iii) Emergency plans.

Each operator shall establish written procedures in accordance with § 192.615(a) to minimize the hazards resulting from a gas pipeline emergency. The procedures must provide for prompt and effective response to a notice of each type of emergency, including fire and explosions located near or directly involving a pipeline facility, per § 192.615(a)(3).

Viking's Emergency Operating Plan does not clearly denote procedures specific to fires and explosions occurring near or involving a pipeline facility.

3. § 199.7 Anti-drug Plan.

§ 199.7 requires that the written anti-drug plan contain the methods and procedures for compliance with all the requirements set forth in 49 C.F.R. Parts 199 and 40.

(a) § 199.11(c) Drug tests required.

Each operator must conduct random testing in accordance with § 199.11(c). Random tests must be conducted expeditiously so as to avoid a tainted test result. With this in mind, OPS interprets that a reasonable time to report for random drug testing, after receiving notice to report, be limited to time of travel from the work site to the collection site plus 30 minutes. These guidelines act to ensure an adequate "random" test result and minimize attempts by drug abusing employees to purge illegal drugs from their bodies.

Viking's procedures allow 24 hours to report for a random drug test. This reporting time is considered excessive and does not meet the requirements established by OPS to immediately report to the urine specimen collection site, allowing 30 minutes in addition to travel time from the work site to the collection site.

(b) § 199.17 Retention of samples and retesting.

The definition of employee in § 40.3 includes an applicant for employment. § 199.17(b) allows an employee who has tested positive to request a retest within sixty (60) days of the employee's having received actual notice of the

**positive test from the medical review officer.**

Viking's policies state that a person who is applying for employment and who tests positive to a random drug test shall not be hired and does not have the right to have his/her sample retested. This policy does not conform with § 199.17 and § 40.3.

This letter serves to provide you with notice of the inadequate procedures and the response options as prescribed under Section 13 of the NGPSA and § 190.237, Title 49 C.F.R. The operator is allowed thirty (30) days after receipt of such notice to submit written comments or request an informal hearing. After considering the material presented, the Office of Pipeline Safety is required to notify the operator of the required amendment or withdraw the notice proposing the amendment. If you do not desire to contest the notice, you must prepare the appropriate amendments and provide a copy to the Director, Central Region, within thirty (30) days of receipt of this notice.

The Office of Pipeline Safety is aware that Tenneco has sold Viking Gas Transmission Co. to Northern States Power Co. (NSP). OPS believes it is appropriate to notify Tenneco of this notice of amendment and that Tenneco review its existing operating and maintenance manuals and anti-drug plan to determine if the probable violations, as noted, exist for any of Tenneco's plans and procedures which are still in effect. If Tenneco were to find instances of probable violations related to this notice, then Tenneco is required to amend its procedures accordingly.

In addition, OPS is notifying NSP of this notice of amendment. OPS believes that if NSP has adopted Viking's operating and maintenance manuals and/or Viking's anti-drug plan, then NSP is required to amend those procedures pertaining to this notice.

Sincerely,

Ivan A. Huntton  
Director, Central Region  
Office of Pipeline Safety

cc: Mr. Greg Palmer

Vice President & General Manager  
Northern States Power Company  
825 Rice Street  
St. Paul, MN 55117